Please read Petition for Writ of Certiorari and Jurisdictional Statement herewith, here also as a part of this Supporting Brief.)

SUPREME COURT OF THE UNITED STATES

October TERM, 1942

No. 18258

GRETTA LAFUENTE, *Petitioner*

vs.

COUNTY OF LOS ANGELES, *Respondent*

BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTORIARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

This is the same brief as was used by petitioner petitioning for hearing by the Supreme Court of California and the Reply After Oral Argument following.

I.
Opinion of the Court Below

September 29, 1942. See Appendix, p. 11-21.

II.
Jurisdiction

THE QUESTION OF FEDERAL LAW BELIEVED TO SUSTAIN JURISDICTION OF THIS PETITION IS SET FORTH ON PAGES 8, 9 AND 10, AND IN A JURISDICTIONAL STATEMENT, PAGE b-h FILED HEREWITH.

III.
Statement of Case

SUCH STATEMENT IS SET FORTH ON PAGE 11-14 OF THIS BRIEF FILED HEREWITH AND PAGES c-k, THEREFORE, IS NOT REPEATED HERE.

IV.
Assignment of Errors

In the case 437600, 2nd Civil 12645, L. A. No. 18258.

COUNTY OF LOS ANGELES, *Plaintiff and Respondent*
vs.
GRETTA LAFUENTE, *In Propia Persona*
Defendant and Appellant
202 S. Sepulveda Blvd., West Los Angeles, Calif.

I. The Court failed to recognize that Appellant had any rights, either rights as an adult child or personal rights as an individual.

II. The Court failed to heed that it could not sanction the county taking over a person's rights and expect reimbursement without the county first proving that that person was incompetent, incapable, or unworthy of exercising those rights.

III. The Court failed to notice that the law cannot be interpreted to favor one group of people as privileged (namely, old needy people) as against another group of people (namely, adult children) as both must be given equal consideration that their rights under the law are protected. (See Amendment XIV and Article VI of the United States Constitution).

IV. The Court failed to notice that by its decision the Court made invalid the statute under which this action was brought in this case (by demanding cash payments when the law says support, thereby questioning the validity of the statute, Sec. 2224 Welfare and Institutions Code, the statute under which this case was begun.

V. The Court failed to notice that all judges are bound under Article VI of the United States Constitution to follow the Constitution of United States.

VI. The Court failed to notice that under Amendment XIV of the Constitution of the United States, judges are bound to give equal protection under the law to all, privileging none.

VII. The Court failed to notice that all evidence must be considered on both sides and from angles fair to both sides, privileging no side.

VIII. The Court failed to notice that penalty was exacted without proof of wrongdoing.

IX. The Court failed to notice the injustice of taxing an individual secretly for years without trial to show cause.

X. The meaning of support and receive are not taken into consideration by the Court.

V.

Preliminary Information

TRIAL COURT: Superior Court of Los Angeles County, Edward R. Brand, Judge. Dec. 27, 1939.

APPELLATE DECISION: Second Appellate District, Division one. Dec. 2, 1941, affirming the Judgement.

OPINION BY: Hon. Hartley Shaw, J., protem, Hon. John M. York, J., and separate opinion by Hon. Thomas P. White, J. (copy attached).

NATURE OF ACTION: This action comes under Section 2224 Welfare and Institutional Code, a copy following:

If the person receiving aid has within the State a spouse or adult child pecuniarily able to *support* said person, the Board of Supervisors shall request the District Attorney or other civil legal officer of the county granting such aid, to proceed against the kindred in the order of *their responsibility to support.* Upon such demand the District Attorney, or other civil legal officer of the county granting aid shall, on behalf of said county maintain an action, in the Superior Court of the county granting such aid, against said relatives, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay; Any sum so recovered shall be credited by the county to the county and to the state in proportion to the contributions of the county and state, respectively.

The granting of or continued receipt of aid shall not be contingent upon such recovery. (Italics added.)

County of Los Angeles sues Gretta Lafuente, an adult child, for money the county has for years secretly

influenced her parents to take without her knowledge or consent, though she has under the state law responsibility to support and it is also so stated under Section 2224. Though Appellant had never denied her parents their legal right of support in a home with her where all building laws and all other laws of the state have in any dwellings been obeyed. Appellant would not be allowed to occupy them if they were not. The Court and Respondent fails to realize that Appellant was living in a different dwelling when they gave out money; a different home from the one they mentioned in the trial (see Appellant's Opening Brief in District Court of Appeals Civil No. 12645, p. 33). Even Appellant had offered it to them and said that she wished to do anything to please their wishes both directly and through the county representatives. Though no objection to her (here again Respondent fails to realize that money was first given to the father, who never testified, though the mother's testimony concerning herself was what was considered; see Appellant's Opening Brief in District Court of Appeals, pp. 33, 34, 37, 38, 41, 29, 30) or her home had ever been considered by anyone until Plaintiff's Rebuttal, after Respondent could not tear down Appellant's evidence and Plaintiff's Reply in Appeal when Respondent's case was insecure and here without the slightest basis of sound reasoning or substantial evidence as backing. Also such objections were entirely out of place in this trial. Though Appellant's testimony and her son's show expenses as much as could be expected to be recalled for years back, this testimony as well as the fact that the First Visitor from the Department of Charities *requested* that Appellant

sign that she could not care for her parents and this Visitor, Mrs. Ackens, made out a paper to this effect including everything, salary, taxes on Appellant's home, getting down to it that she wished Appellant to sign that she could not support her parents (Apellant said that she furnished support in the home that a child always shares with her parents, if that is not enough and the state wishes to give money, that is their business, as for her, she always furnished support and never had denied it, sharing what she had with her parents). The fact that the Visitor, Mrs. Ackens, after considering all expenses, wanted Appellant to sign that she could not support her parents, showed that she thought that, and it is evidence that Appellant only makes enough to maintain her one home shared by all, yet the above facts and this testimony as ability to pay testimony was disregarded. The idea that a child had any rights in such a trial was disregarded.

SUMMARY TRIAL RESULTS: Verdict in favor of County of Los Angeles for seven hundred and thirty-eight dollars with interest and costs.

EFFECT OF DECISION: The adult child has no rights, the Opinions of the Court disregards the rights of the child. The judges of the Court disagree in Opinion to the extent of holding exactly opposite opinions as to the correct interpretation of the law. The Court's decision has the effect to deny the validity of the state's statute.

Nature and Opinion of District Court of Appeal

(*A Copy is in Appendix*)

The Court questions the validity of the statute under which this case is brought. The idea of the adult child's right of responsibility to support is repugnant to the Court. The theory that the child has equal protection to the parent under the law as stated in the United States Constitution, Amendmnet XIV, is repugnant to the Court. The Court neglected to go into the matter of Appellant's rights, though she was the one being sued for money. Objections were considered concerning Appellant and her home; though they have no place in this case since an action set up to prove allegations against her would have to come before her rights were denied her. Also they would need to use the right house and right parent to stick to facts. Evidence showing Appellant's inability to pay out of the home in view of her testimony and in view of the fact that this was money given secretly for years back, was not considered. All the evidence brought out in Appellant's Appeal as vital evidence upon which no conflict exists and which is not favorable to Plaintiff is overlooked and disregarded while evidence of adequacy and compatibility which have no place in this trial in the first place and secondly had no substantial reasoning or evidence based on fact to back it, was seriously considered in favor of Plaintiff. Also the court failed to recognize that there must first be a process of law before a person's rights can be denied them. Also, "by failing to allege a compliance with the statute, the complaint fails to state a cause of action thereunder."

Grounds of Petition

A hearing by the Court is sought since the present decision will have the effect of settling an important new law which affects so very many people and only one group of people concerned has been considered; namely, the county and parent's wishes have been considered, but Appellant's and adult children's rights have been forgotten. Also, in addition to one of the judges, Hon. Thomas P. White, J., on Appeal having an exactly opposite opinion to the other two judges, Hon. Hartley Shaw, J. protem, and Hon. John M. York, J., the Attorney General has stated an opinion. See Weekly Law Digest, J. Mason Wiegel, Vol. 4, California, 1940, p. 81. Also Attorney General Earl Warren's opinion is opposite to two of the judges' opinions. See Respondent's Reply Brief in District Court of Appeal Civil No. 12645, p. 10 and 11. There is a decided conflict of opinions on the issue. None of the opinions gives proper attention to the rights of the child; their interest centered on the rights of the parent. There will be a necessity of uniformity of opinion in the future where there may be many more such cases. Appellant was the first. She asked that this be brought to trial as soon as she learned what was being done, that being, when she was threatened by Mr. Hoffman of the Collection Department that it would cost her job if she did not pay. See Appellant's Opening Brief in District Court of Appeals Civil No. 12645, p. 53 and 39. Appellant's rights were flagrantly disregarded. A hearing by this court is sought since Appellant claims that she has not received equal protection of the laws in this case. Her rights were ignored and her evidence not consid-

ered. She claims her right to life, to a home under the laws of the land which have jurisdiction as to its adequacy, her right to respect and to compatibility in the community so she can work in the community until it is proven she has not these rights if she has done wrong, a right to maintain a home for herself and her dependents whom she has the responsibility under the state law to support since she cannot live in the street to maintain a second home where she is not allowed to live, and it takes all the money she makes to maintain the one home shared by all, a right to fair trial with her evidence fairly considered, her right for human abilities to be fairly considered, she could not remember nor be expected to recall for years back every cent she spent for daily expenses when she had no knowledge of such an accounting was going to be required), the right to have proceedings of the case on trial being dealt with, not other matters such as objections which besides having no facts as evidence had no place in this trial. See Civil Code, Sections 1485 to 1606 —1496, 1606, 1501, 1512; the right to support and care for her responsibilities under the state law until it is proved that she is unworthy of the right and that therefore the state denies her rights and takes over, she claims she still would have a right to such a trial first before they could take over and before they could pay out money with the expectation of reimbursement, the right of a fair interpretation of the law considering her rights as an adult child since she is the one being sued (adult children have rights under the law as well as the county and parents), the right of word meanings taken from a dictionary of good authority with

meanings consistent with the rights of an adult child as a group and the rights of an individual, a right to a reasonable interpretation of Section 2224 since the state statute would not be repugnant or invalid to itself or to the Constitution of the United States and by failing to allege a compliance with the statute, the complaint fails to state a cause of action thereunder. See Webster's New Dictionary, Second Edition Unabridged, pp. 31, 854 and 2534, for meanings of *adequate, receive, support.* Also Appellant's Opening Brief in District Court of Appeals, Second Appellate District, Civil No. 12645, pp. 24 and 25.

See United States Constitution, Amendment XIV.

Citizenship Representation, and Payment of Public Debt

CITIZENSHIP—*Section* 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, *nor deny to any person within its jurisdiction the equal protection of the laws.*

Appellant claims she has not had proper protection. Words such as "receive," "support," and "adequate," have been given incorrect meanings and that relevant evidence given by her was not considered and irrelevant

and unsubstantial evidence presented by the Plaintiff was given weight.

After all, this was a trial to collect money from Appellant and her right of *getting equal protection of the law,* as stated in the Constitution of the United States, should not have been ignored.

See United States Constitution, Article VI:

GENERAL PROVISIONS: *Supreme Law of the Land Defined.*

2. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land and the *judges in every state shall be bound thereby,* anything in the Constitution or laws of any state to the contrary notwithstanding.

This would be nothing but savage treachery to give money to one group of the family and to ruin another group. It would destroy family unity and love. It is denying the child equal protection under the law. The Old Age Security Laws had in mind to increase protection to the aged, but not to decrease the rights of the child and their right to protection under the law. The law clearly expects the child only to support, if it had meant cash payments it would have said so. The law penalizes only when the child refuses its responsibility. In the old law (1929), a parent had to sue a child who denied his duty to support his parent. Under the 1937 law the county sues for them (but only children unwilling to do their duty).

See California Law Review, Vol. 26, 1937-1938, pp. 338 to 340.

This state does not give a pension or demand that the child give one. If the law meant pay, it would say pay, not support. All laws are obeyed in Appellant's home of necessity and even she expressed her wish to do anything to satisfy her parents' wishes.

Statement of Case

Since the first visitor from the Department of Charities questioned Appellant as to how much salary she got and what taxes she paid and everything and finally this visitor came down to it that Appellant could not support her parents, see (Rep. Tr. p. 53, lines 3 and 4) (Rep. Tr., p. 66, lines 15 to 19) (Rep. Tr. p. 65, lines 7 to 11) and since this visitor insisted that Appellant sign this so much so that Appellant had to go up to the *director,* Mercy Hutchings, up town to have a paper drawn up for her protection to show that she had done as any decent child would do, namely, share her home always and even offered it (Rep. Tr. p. 47, lines 22 to 26) (Rep. Tr., p. 48, lines 1 and 2). Also this first visitor, Mrs. Ackens, brought in an application and filled it all out herself, filling it out that Appellant could not support her parents and she asked Appellant to sign it, but Appellant would not sign it, for she said she furnished support in her home. A whole loaf or half it is a child's business to share. If the state wishes to give money, that is another matter. This fact of this first visitor, Mrs. Ackens, from the Department of Charities, is evidence given by Appellant and Donald Lafuente, two honest people as a witness to the fact and it was evidence never denied by Plaintiff. This visitor, Mrs. Ackens, wanted Apellant to sign that Appellant could not support her parents after this visitor considered Appellant's salary, taxes on her home, and everything. That evidence is enough to show that Appellant certainly had not the ability to pay out of the home.

It must be remembered this money was money paid out secretly from back years. About all that could be

reasonably expected for Appellant to recall in amounts were such expenses for a Trust Deed on her home, interest, taxes, living expenses and that after paying those things there was no money left. Could you recall as separate items money spent in past years, when it had been kept a secret from you that you were going to be asked for such an accounting? Let's see: two years ago I spent how much for electric light bills? Impossible for most people to recall. Appellant said, "I had no money to pay them," see (Rep. Tr. p. 53, lines 3 to 11) (Rep. Tr. p. 30, lines 21 and 22). "I can maintain but one home. I haven't finances for more than one home" (Rep. Tr. p. 42, lines 5 and 6). "Of course, it could not pauperize me and take from me more than I have." See p. 19 Appellant's Opening Brief. Appellant is not able to pay since she needs all the money she gets for their one home, shared by all. No more evidence from years back, when one had no knowledge that her parents were being secretly paid money and she was going to be asked for an accounting in a few years could be expected. The Department of Charities played this like a game; a game where rules and rights of others meant nothing. If they felt that Appellant could not afford to support her parents it was not necessary for them to try to get Appellant to sign anything (a whole loaf or a half a one, children are obligated to share what they have with their parents) they could have decided that Appellant did not have enough to share. But they were not thinking of old people; they wanted, yes, seemingly, to please the old people temporarily, because old people were everywhere asking for pensions, and to trick Appellant into paying for it was their idea. Yes,

they hoped Appellant would sign to make collection easy for them and to keep the public's will to have decent Old Age Security Laws pleasing to everyone, passed from being fulfilled. They were afraid of the Old People so they made Appellant the "goat" and now wish Apellant to pay for their fears and tricks. Had they had the nerve and decency to follow the law, Appellant and her parents would both be happy, now; and if not at least working for some honest way to create happiness. They played on the theme of greed and failed. Appellant claims the law should not be twisted around to carry out false purposes. Parents of Appellant were secretly influenced by the Department of Charities workers to take money as evidenced by Mrs. Youngman Department of Charities worker saying that the father when met by their visitor tore up the paper she brought for him to sign for aid and nearly threw the Relief visitor out once, also. See Appellant's Opening Brief in District Court of Appeal of this case Civil No. 12645, p. 41. Was this an effort to have a chance to strike Appellant from behind? It could be.

From November 30, 1934 to March 23, 1937, before Appellant was even approached, money was given by the Department of Charities without even looking up the daughter. During that time there would have been at least three times they should have made their yearly investigations. Then when they did visit Appellant she was asked to sign that she could not support her parents and so insistently requested that she had to go up town to see the Director, Mercy Hutchings, to get a paper to protect her. Later this same Director signs a

paper instructing her to await her parents, yet they begin again to pay out money secretly to Appellant's parents. Their trick had failed in trying to get Appellant to sign so they were up to another trick. There must be many others who will thus be ruined later, after they get to work and think they have a home started. This is unjust and dishonest and entirely ignoring the rights of the child for they also have a right to life and equal protection under the law guaranteed by the Constitution of the United States of America. See Article VI and Amendment XIV of the Constitution of the United States.

ARGUMENT

(*Please read to get a more full discussion and also include under Argument what is said in this brief under Preliminary Information, Nature and Opinion of District Court of Appeal, Grounds for Petition, Statement of Case, Argument and Conclusion.*)

It is elemental that in an action such as the present one the Plaintiff must show cause why Appellant should be made to pay this money. According to Section 2224 of the Welfare and Institutional Code the statute under which this trial is brought Appellant, an adult child, is responsible in this state to support her parents. The law does not say give financial aid or cash payments but support. Appellant has a right to equal protection of the law guaranteed by the United States Constitution, Article VI, and Amendment XIV. Now when Appellant has a home as she does where she furnishes support to her other dependent, her eighteen-year old son and never has denied it to her parents and even extended the extra courtesy of offering it to them; and to do anything to satisfy their wishes; unless it were proved that Appellant on some proved occasion did *deny* her parents their right of a home with her they had no case against her. Or if in proceedings set up for objections against her and her home and *there never has been any such proceedings* they would need to prove that on some given date she had done wrong or had broken some law, had been notified, had refused or neglected to correct before they could deny her her right to her responsibilities and thereby give the state the right to take over. It is not

so easy or simple a matter to deny a person their right to care for themselves and their own responsibilities as personal rights are first rights and the basis under which our Constitution is written and emphasized in the Amendments. Now this first visitor from the Department of Charities, Mrs. Ackens, wished Appellant to sign that she could not support her parent (her father, by the way, for her mother was not then asking for aid, the father never testified, the mother testified for herself, so compatibility was not the reason for giving the father aid) also, by the way, when they started giving the father aid Appellant was living in another house, not the one spoken of in the trial so adequacy evidently had nothing to do with it. See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, pp. 33-41, 33 and 34, 37 and 38, 41 and 29 and 30. This fact is evidence that this representative of the Department of Charities after taking down salary, taxes, and everything, thought that Appellant had not ability to pay out of the home, else why did she ask Appellant to sign that she could not support her father? Also Appellant states that it takes all the money she makes to maintain her one home shared by all and that after paying expenses there is no money left. See Appellant's Opening Brief in District Court of Appeals Civil No. 12645, pp. 18, 19, 20, 26. Appellant has a right to life also, guaranteed by the Constitution of the United States, Article VI, and Amendment XIV. Also it is unreasonable to expect Appellant to be able to recall the impossible, that is, every item she spent years back when she did not even know that there was to be an accounting since the money was given secretly.

Also all the big items such as a Trust Deed on her home for thirty-three hundred dollars, interest and taxes were evidence in the trial court by Mrs. Lafuente and Donald Lafuente, and evidence showing that Mrs. Ackens wrote in items of salary, taxes and everything, on the paper she asked Appellant to sign, saying that Appellant could not support her father. See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, pp. 18, 19, and 20, 36, 37 and 38.

How can Appellant be respected in the community when the court has denied her the right to care for her responsibilities putting the stamp of inadequacy and incompatibility on her. The public would never understand that it was done to her because the state was afraid of the old people who were clamoring for a pension which they did not give and so they therefore deprived the adult child of her rights, claiming these truthless unproved things against her when they failed to get her to sign that she would not share with her parents as they had hoped to influence her to do to make things easy for them in collection. Naturally, the public would always look on Appellant as some one who did not do right or did not obey the laws, so her rights had to be taken from her by the county and state. How unfair when Appellant had always offered a whole or a half a loaf to share what she had with her parents. That was her duty and she did it and now she is being penalized as a wrongdoer, blackened before the community where she has to work—she can not get along with her mother—of course it was really the father (see Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, pp. 33, 34, 37, 38, 41,

29, 30) who was given money first and probably he refused to testify but the Court was not interested in who it was, facts as well as justice doesn't seem to matter, just relieve the situation by making Appellant right or wrong pay in some way or another. Nor could the public know that the only evidence offered showing she did not get along was that she called her son to her in the court room, just before the court opened, which she had a perfect right to do, any more than they would know that she even was living in a different house when they first began granting aid. See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, p. 33. Appellant has a right to be respected. She has done right, but the above actions against her are not right nor giving her equal protection under the law. Under 2160 (f) Welfare and Institution Code. The Court failed to notice that the word receive does not have the meaning of assent or dissent. One receives a verdict whether one wishes it or not. Parents have a home and are receiving it whether they want it or not, or use it or not if they have an adult child responsible to support them who has never denied it to them. They receive it and have it the same as they have money if they have money in the bank even if they do not draw on it. But these matters were not considered for Appellant's rights were entirely forgotten. Under Section 2224 Welfare and Institutional Code the statute under which this action was brought, Appellant had rights to her responsibility to support her parents until it is first proved that she has done wrong and is unworthy therefore of those rights. Appellant is under the responsibil-

ity to furnish her parents support. There is no proof that she has not done so, or that she had ever denied it to them there is considerable proof that she has done so. They receive it until it is denied them since it is their legal right. The state has no right to claim against Appellant until parents use their support which they receive and find it inadequate or her incompatible or something, or that she had denied them, then the state not themselves as under the old law, would set up allegations to that effect to deny this child of her rights to a responsibility to support, allegations they would have to prove in a very substantial manner in order to deprive her of her rights. See Civil Code ~~1845~~ 1985-1606. See California Law Review, Vol. 26, 1937-1938, pp. 338-340. Appellant has under the Constitution of the United States, Article VI, and Amendment XIV, the right to life and equal protection under the law. She has done no wrong, she can't live in the street and continue to live and work in order to pay out money for another home since it takes all the money she makes for her one home, shared by all, who have moral and legal rights to share it.

CONCLUSION

The decision of the Trial Court and District Court of Appeals entirely overlooks the rights of a child. During this period of change it must not be, that in granting rights to one group the rights of another group be entirely overlooked. This decision might affect disastrously so many other people. A child also has a right to life and equal protection under the laws guaranteed them by the Constitution of United States. Most children find it difficult to maintain one household where all may share. To have to spend for a second household is impossible. Especially is this true where money had been given out for a term of years secretly. This sort of procedure is dishonest and would amount to confiscation of a child's home many times. If this were what the legislature had intended they would have said it in plain words, *a child must pay a pension*. In giving more security to one group it was not the intention of the law to take all security away from another group or to cause lack of unity in the family which a thing of this kind would most certainly do. Under such ways you'd not be given the right to know until you received a bill of collection for money, where you stood; head or heel of the household you work for. You would become just a slave to pay out money when asked to do so and you wouldn't know of your obligations until enough had been accumulated against you to ruin you. Let us have a pension if we need one in this state, but let us not give a chance for this type of fifth column business that sets about to destroy family unity in this cowardly and illegal manner. Legally before the state can assume the head of the household as it has done here, it would

have to prove beyond a shadow of a doubt the unfitness of the one to whom responsibility went by law, the natural head of the house, the one responsible for the support of the household under the laws of this state. Anything wrong with the habitability of the home of the head of the house, the head of the house would have to be notified of that thing wrong, a reasonable time given to correct and even access denied to the home if anything were wrong and it were not corrected. Even such extreme measures would not give the right of another person or the state taking over another's responsibility unless it were proved that that head of the house had refused to give proper living facilities to a dependent. To deny one a responsibility is one of the most difficult things to do in law. It is our most elemental right to care for ourselves and our own under the laws of the land, and any grapevine fifth column scheme to upset this strikes at our most vital spot. If we were denied this we have no rights except to work as slaves subject to unscrupulous schemes of those who are not out to do this country good. A pension for old people, yes, something in advance, yes. But we cannot afford to take backward steps, or law as we have known it, built on the intelligence and struggles of centuries, will fade from existence.

The whole idea here seems to have been to defeat public will of providing more security for society. There seems to be an attempt to quiet old people until the war took the headlines and then to let the children be out of luck, society having less security than before. But it is not so written in the law.

BOOK II

EVERYTHING STATED BY RESPONDENT IS IRRELEVANT AND IMMATERIAL

From a legal standpoint this trial has been a ridiculous sham. The Respondent has not said one material thing or brought up one relevant point since the moment in the trial court when he was forced because Appellant's evidence was so overwhelming and to keep out more damaging evidence against the County he was forced to stipulate that Appellant furnished support and had never denied support and had even extended

Pages 2 and 3 Blank

Error

the extra courtesy of offering it directly to her parents and through the county agencies (that she never denied it is your point here). However, with every additional word from Respondent he further proves the conspiracy to entirely disregard Appellant's right to equal consideration under the law and for the county agencies to forcefully take over Appellant's rights; to entirely override Appellant and then after their invasion to intimidate her into paying them for money they have secretly paid out. Then when that didn't work and they found they lost in the trial which Appellant demanded, they falsely attack Appellant, and with unproved evidence try to finish their dastardly conspiracy; to put an unjust bill that they have secretly accumulated for years on to Appellant knowing that she could not possibly pay it even if she were willing to be, thus underhandedly and dishonestly abused by the fifth column intimidation. The effort of the county to take things into their hands and to utterly disregard Appellant is certainly fully proven. Yet let them show one place where the responsibility of the adult child to support has been revoked.

Though Appellant uses as a point in her tracing the history of the law the interpretation that the money was illegally given since parents have a legal right to a home with their adult child, it being their right until it is denied them, that is an unnecessary point though correctly brought up, as Appellant did, to trace the history of the law. Any interpretation at this point, however, is immaterial to this case except to repeat the tracing of the history as Appellant did before, for under any interpretation Appellant's point is that she would

have equal right under the law for her rights to be considered under the law as well as parents rights being considered. No one has a right to take over her rights to a responsibility with the expectation of reimbursement, without first proving her unworthy (a thing that could not be done first or last). Appellant is not going to have it on her shoulders to argue against the state giving money to old peopple where it does not concern her, since she did honestly go into this once in tracing the history of the law in the Apppellate Court and since the Appellate Court said that the state could so give money out to old people, Appellant would be heartily in favor of anything that the court could do for old people after seeing what was done to them in this case. Also, if the adult child's rights are protected, which rights must be protected, then and only then would this fifth column stronghold in California be broken and there would be no loopholes left in this regard under which they could maneuver with their false pressures. If that could be done we would have then a pension paid by the state. But this is immaterial to this trial.

Important Additional History of Section 2224 Welfare and Institutional Code

See State of California Statutes, Chap 530, p 914, in effect August 14, 1929, on which Section 2224 of 1937 Welfare and Institutional Code is formed according to the information printed on said code. In Section I we find it deals with those who shall be granted aid—age, citizenship, etc., and (g) (quoting): "Has no children or other person able to support him and responsible

under the law of this state for his support." (Support here as in Section 2224, child is given responsibility to support—no mention of cash payments.)

Reciprocal Duties of Parents and Children

See State of California Civil Code, Title II, Parent and Child, Chap. I, Children by Birth, Section 206, (qquoting): (notice the very first word) "*Reciprocal* duties of parents and children in *maintaining* each other. It is the duty of the father, the mother and the children of any poor person who is able to maintain *himself* by work to *maintain* such person to the extent of their ability.

The *promise* of an adult child to pay for necessaries previously furnished to such parent is binding." Notice neither is to pay a pension to the other. Notice they are to *maintain,* not to pay cash payments. Notice it takes a *promise* from the responsible party to make reimbursement possible. Appellant never gave such a promise. Notice a person is responsible to *maintain* if he *maintains* himself by work to maintain according to his ability. Yet Mrs. Ackens, the first visitor from the county charities, a public officer was asking Appellant to sign that she could not support her parents; that was premeditated consipracy. A public officer surely knew of these laws and surely knew the position in which she would have put Appellant had Appellant signed the way she wanted her to do. Appellant's parents or the county or any public officer have never asked Appellant to cooperate in any matter that she has not done as they wished except in insisting in this that

she should support her parents and that that did not mean cash payments.

More Irrelevant and Immaterial— Compatability and Adequacy

Neither her parents or the plaintiff have ever said a word against Appellant until in the trial court Appellant's evidence was so complete in its proof that Appellant furnished and offered support to her parents when the Court and Respondent questioned her on this, that the Plaintiff was forced to stipulate that this was true. Since Appellant's proof was so complete and with such complete written evidence that the Plaintiff *saw that it was useless to argue the matter,* so he therefore stipulated to it to thus be able to keep out of the trial more damaging evidence against the county. At this point the trial should have been over, all else is irrelevant and immaterial. It was the Respondent's wish at that moment to have it over, because he asked the court for two minutes in which to finish before noon. (He could not have put on three witnesses and summed up his case in two minutes.) However, during the two hours for lunch the idea came to him to attempt to bolster his lost case by the adequacy idea which he tries in rebuttal by bringing back one witness, using on this new idea, and two new ones. At the point where Respondent was forced to stipulate that Appellant furnishes and offers support since this is not a trial set up to prove Appellant's unworthiness of her lawful rights and responsibilities (a thing that could not be done honestly by the way with any home, any parent, in any kind of trial. Though Appellant does answer

pleasant to be unjustly slandered, their attack comes the Plaintiff for moral weight and because it is not at the wrong time, is unproved and untrue besides being entirely irrelevant and immaterial to this trial.

Original Complaint

It is well to remember the original complaint under Sec. 2224 Welfare and Institutional Code and leave out these irrelevant and immaterial issues so that we shall know when we are through, we should have been through in the trial court when Plaintiff was forced to stipulate that Appellant furnished and offered her parents support, the same as we should have been through in the Supreme Court of California when Respondent admitted Appellant's arguments when he asked for fifteen minutes to finish and the Hon. Court asked him if he did not want ten more days on his case. During which time he reverses his theories and spurts out again on some more immaterial ideas. With chameleon-like efforts the Plaintiff adjusted his case during the two hours for lunch in the Superior Court with a new theme, attacking Appellant's home's adequacy, proving only that, it having been passed on by all building inspectors in authority even the health inspector, her parents having their own room near a bath besides the use of the whole house is satisfactory (Appellant would not be allowed to live there after their inspection if it were not); (also this is not the house Appellant was living in when money was first given out); so this brick fell down under cross questioning) in spite of his witness's desires to the contrary. So in his Reply Brief we find him juggling a new

brick, also a straw one, introducing for the first time his third theme, that of compatability. This new theme is again an irrelevant and immaterial issue, also unproved, wrong parent, and even that parent only shows immaterial reasons why she wants to stay where she is now. Plaintiff tries to prove that the reason the Dept. of Charities of Los Angeles County gave money secretly to Appellant's father (by the way, since November 30, 1934) and to her mother on February 1, 1938, is because Plaintiff in his Reply Brief to the Appellate Court in April, 1940, decided that Appellate was incompatable. Rather a late decision, decidedly a late attack besides being irrelevant and immaterial to this trial. Imagine, incompatability because Appellant called her son to her just before the Superior Court opened, which was the exactly proper thing for her to do on such an important occasion. However, her mother goes on and *does* give testimony showing many other reasons why she *does* wish to stay where she is now, her only reasons; the most important of these and a point well taken to have her other daughter kept in that daughter's own home. Appellant has reasons also which are also irrelevant and immaterial here. However, Appellant's mother could fix things to her satisfaction, for she could still sue in court for that husband of that daughter for whom she takes care to pay for his wife's care as he had been doing for ten years before this; sue for the Court Order to be upheld to pay her for this care as he had done for ten years previous to this and to have it increased again to provide for the higher cost of living. Then she could still stay where she is, and allow this daughter to be in her own home. That

husband is still working at the same high salaried job with the same firm and this daughter also has a grown son responsible for his mother's support. Or if for some reason unknown to Appellant to sue is not desirable, Appellant's mother could arrange now for a younger member of the family to take over the guardianship of this daughter while the mother and father come to Appellant's home where they would not have to work for their keep. Though Appellant is the elder sister and the one to whom the guardianship would naturally pass after the mother and father, Appellant would not stand in the way of this guardianship passing to a younger member of the family pleasing to the Court and her mother in order that this sister *could* stay in her own home, providing no secrecy prevailed, for Appellant knows from this trial, that even if that guardian should be married to a German Nazi that this sister would be safe so long as she was with someone of the immediate family, for this family is so loyal to each other as proven during this case where they were under very powerful organized pressures, that in the last analysis they would never entirely desert their own. (See Appellant's Reply Brief, Index "Compatability of Appellant brought up by Respondent only in his Reply Brief in the Appellate Court as a last minute excuse to try to place liability on Appellant." Even here he did not bring in any evidence, but he seems to do whatever he wants and whenever.

Certainly the reason for giving relief money secretly since November 30, 1934, to April 1, 1937, before Appellant was visited was not because Appellant's home was inadequate or she incompatible for the home

hadn't been seen nor had they bothered to interview Appellant. All was without her knowledge and consent. She did not know until after a few years they decided to collect by threatening her job. Appellant was at that time in a duplex at 234 South Tower Drive, Beverly Hills. Yet relief money was given. All this in spite of the fact that they have living before them had they looked, Appellant's son living with and supported by Appellant, a living example of the compatible care Appellant gives dependents. But they did not look into such matters for they believed all they had to do is to make Appellant pay when they got ready. Just think of all the fun giving out this money all these years, and what wonders it could do in dividing the family and building up a power for themselves. Since Appellant had never denied support to her son, no one had a right to suppose that she would deny it to her parents.

If this first visitor had seen anything wrong with Appellant or Appellant's home, certainly she would have said so, as a good excuse to carry out her wishes to give these parents money instead of Mrs. Ackens this first visitor from the Los Angeles Dept. of Charities asking Appellant to sign that she could not support her parents. Also the Director Ass't No. 10, Mercy Hutchings of the Los Angeles County Charities would have mentioned it if anything were wrong with Appellant's home instead of giving Appellant the following paper signed by her:

"Gretta Gray Lafuente was visited on March 23, 1937, for the first time, and told for the first time that her father was asking support from the state. She

answered all questions freely and frankly. When asked if her father could live with her, she agreed. She was instructed her father would be mailed a letter to that effect by the state." After Mrs. Ackens, the first visitor from the Los Angeles County Dept. of Charities, had visited Appellant's home. Miss Hutchings, the Ass't Director, would not have asked if Appellant's parents could live with her as she did and sign to it in the above letter if Appellant's house had been found inadequate or she incompatible, nor would the following letter have been written to Appellant's father.

"April 2, 1937.

Mr. Parker E. Gray,
5446 Romaine St., Los Angeles

Dear Mr. Gray:

After carefully reviewing the relative statement of your daughter, Mrs. Gretta Lafuente, the department feels her income is sufficient to assume her legal responsibility for your support. Therefore, your case will be closed as of April 1, 1937.

Yours very truly,

Department of Charities Special Aid Division

L. C. Schreiber, *Asst. Director Bureau of Indigent Relief*"

If there was anything the matter with Appellant's home or Appellant's compatibility the above letter would not have been written(but Appellant would

have been attacked there and then.

Then when Mr. and Mrs. Gray refused to come to their support in Appellant's home, Ass't Director No. 10, Miss Hutchings, gave Appellant the following instructions on paper signed by her, to protect Appellant. If the living quarters of Appellant's home were inadequate or she incompatible, it certainly would be mentioned here instead of the following instructions.

"April 7, 1937.

Gretta Gray Lafuente reported today to the Department of Charities, Special Aid Division, Bureau of Indigent Relief, at 434 South San Pedro Street, Los Angeles. She reported that she went on April 5th and again with her son on April 7, 1937, to her father at 5446 Romaine Street, Los Angeles, offering her father a home with her. He refused to accept her offer. She was then instructed by the Adult State Aid of the Dept. of Charities that she should wait for her father to notify her or the state department to notify her if her father decided to change his mind and come. Also she notified the State Department that if they wished to get in touch with her to send her a letter to 234 S. Tower Dr., Beverly Hills, or they could find her any school day at Lafayette Junior High School, Los Angeles. Signed by Miss Hutchings, Director No. 10, Ass't."

The above instructions were aimed to deceive Appellant again, for in the Superior Court evidence came out showing that money was secretly given again to Appellant's parents. Now if Appellant's home were inadequate or she incompatible they would not have had to have managed things secretly and deceitfully this way,

for they could have openly attacked Appellant and claimed then against her home or her compatibility if anything were wrong.

When the Collection Department of the Los Angeles County Charities started collection by Mr. Huffman, if they had anything against Appellant's compatibility or the adequacy of her home, here again they would have said so instead of threatening Appellant's job.

Mrs. Youngman, a vistor to Appellant's parents from the Los Angeles County Dept. of Charities, would not have had to influence Appellant's father after he tore up her application for aid and nearly threw her out, if anything were wrong with Appellant's compatibility or her home inadequate.

Mr. Karstens of the Hollywood office of the Los Angeles County Dept. of Charities would not have needed to be surly and noncommittal with Appellant if he could have proven anything against Appellant's home or her compatibility for a straightforward attack against Appellant would have been in order.

It is interesting to note here that the first relief visitor from the Los Angeles County Dept. of Charities, Mrs. Ackens, was asking Appellant to sign that she could not care for her parent before he had refused her to come.

Also there would be no necessity of the untruthful record to deceive Appellant had the Los Angeles County Dept. of Charities had anything that they could justly claim against Appellant's compatibility or her home adequacy. When the Department of Charities Record shows that Appellant was supporting her parents, Ap-

pellant was given signed instructions for her to wait for her parents to notify her of their willingness to come. Then reinstatement of relief takes place without notification to Appellant. Such actions would not have taken place if they wanted to give money to Appellant's parents and they could show anything against Appellant or her home.

All of this is immaterial and irrelevant to this trial though it certainly does prove that Respondent certainly had no idea of considering Appellant's rights and after all it is of those rights that we must be concerned in this trial for Appellant is being sued. Appellant had a right to her responsibility to support her parents for there never has been a trial proving her unworthy of her rights so that Los Angeles County could take over her responsibilities. Also it would have to be proven before they took over her rights if they wished reimbursement for Appellant has always acted worthy of her rights to her responsibility even going further saying that she would do anything to please the authorities or her parents wishes of they would tell her anything in addition they wished other than cash payments. Appellant has never denied uspport to her parents. Though Appellant agrees a pension would be a very fine thing to have for old people, if it is possible, paid for by the state, she claims they cannot make worthy adult children pay for it. What kind of trials do we have in California? Have we reverted to the dark ages or are we already under Hitlerism. Appellant is obligated to furnish support, but if someone else takes it into their head to secretly steal her responsibility, certainly Appellant cannot be made to pay for

the stealing. Like most bad excuses there are millions of ways of explaining why you have done a thing the way you want to do it. Not so, when you consider how it should be best done. What new issues and excuses will we yet hear for money having been given out secretly twice to Appellant's parents. It smells like Axis excuses for wrong doings. Anything to win. Families are too important to be involved in such scheming. The plaintiff has not built his case brick by brick following the history of the laws involved, so as each new scheme falls he frantically adjusts them and attempts to construct a new case. This whole business has been most out of the ordinary from start to finish.

MANY POSSIBILITIES BACK OF THIS

Who and what could be back of this? Who could have influenced the brother-in-law who is still working at the same high salaried job with Don Lee Motor Car Co., where he has been working for years, a man who was under court order to pay for his sick wife's care, which he had been paying for ten years before this aid to the needy came into effect, because of a most delicate situation in the case against him in case of Gray vs. Wholmes 107849, so delicate that he had evidently considered himself lucky to get out of it by paying for his wife's care. Why was this money cut down after ten years when he was working at the same job? Why were these facts kept secret from Appellant?

Who could have been back of having Appellant's father take money secretly and it being given without even looking up a responsible school teacher adult child from November 30, 1934, to March 23, 1937. Who

could have arranged for a Miss Youngman from the Los Angeles County Dept. of Charities to influence the father to finally take the money, even after he had torn up the application and nearly thrown her out once.

Who could have had the power to send a visitor, a Mrs. Ackens, from the Los Angeles County Dept. of Charities to Appellant to ask Appellant to sign that she could not support her parents, and this same Mrs. Ackens to attempt further to influence Appellant by bringing to Appellant's attention possibilities of future hardships in the form of doctors and nurses. Mrs. Ackens attempted to so influence Appellant before her parents had refused her to come.

Who would have dared to have again secretly paid out money again to Appellant's father, after the Dept. of Charities of Los Angeles County had notified Appellant on April 2, 1937, that they had stopped and then on April 7, 1937, instructed her to await her parents to come to her?

Who could have arranged matters so that when Appellant was given the Relative Statement, which she made out offering complete support which she furnishes in her home as always, and filed this in the Hall of Records January 7, 1938, and sent one to her mother, father, the State of California, and Los Angeles County Agencies with return receipts requested the Mr. Karstens of the Department of Charities who sent this form was not interested in her offering a home to her parents and was surly and noncommittal. Then the second time Appellant called he refused to see her.

Who could have posted another Dept. of Charities worker of Los Angeles County to refuse to answer

Appellant's questions and to tell Appellant that information regarding her parents was confidential information?

Who would have had the power to have a truthless record made?

Who could have had Mr. Huffman of the Collection Department of the Los Angeles County Charities threaten Appellant that it would cost her job if she did not pay?

Who could have obtained witnesses, Mr. Graeff and Mr. Boyle, who would so viciously, cruelly, and hatefully attack Appelant's home when there was nothing actually against the home which they could say. Getting warmer now; nearer to where Appellant lives. Why? Of course there are always real or imagined| disagreements in neighborhoods which are of record in new neighborhoods where streets must be abandoned or what not which might enrich one and deprive others of their property rights. There are always such things of record going on in a big city. At the present moment aggressors are on the march, those who wish to take away unjustly from others are on the attack, ruthlessly clearing away any obstacles in their paths. Organization of such people is strong when directed against individuals. How many people have thus been intimidated? Few would have the good fortune to have the written evidence which Appellant has by coincidence.

Our National Welfare is too important to leave a loophole for fifth column activity. Keeping good relations in the family is very important for public morale. You can have good relations only on the basis of right.

The importance of family relations has been understood since ancient times when the ancestors of the Hun attempted to destroy the spirit of conquered peoples by sending families in different directions. "Divide and Conquer!" is an old principle of the ruthless. Imagine using the law which was designed to help old people in cases of unworthy children to use it to separate them from loving children. What tricky slogans could be used in separating them, "The have-nots against the have-gots."

This leads me to mention other possibilities of slick manuevers possible. Money was coming in from the National Government to be paid to the needy. How possible for someone versed in intrigue to say, "How can we make this money work for us? See to it that those whom we wish get it and that they feel grateful to us for giving it; thus becoming part of our power to do what we tell them to do. When our employee benefits by it indirectly, that will eventually save the pocketbook of the employer. The one who recives, if he receives wrongfully, is held very completely in our power. When there is an axe to grind with anyone in the community, what an opportunity to involve them also by sucking them into the trap also with this slick maneuvering." The old squeeze play; graft; fifth column organization; a method of holding people in others clutches by giving something undeserved, by getting something on them. It's an old racket with a sinister backing. Think of the enormous number of unfortunate people such things could involve, It could cost us another Pearl Harbor here in California. You can be certain the Axis powers have not overlooked a chance of any kind to "Divide and Conquer," be it between employer and employee, rich and poor, old from young, or parents from children.

The Appellant respectfully requests a hearing in this case, and below sets forth her reasons for requesting the same:

The fact that this trial presents questions over which the Federal Court has jurisdiction and since not settled in the Supreme Court of California will need to be settled by the Supreme Court of the United States, is brought out very clearly in Appellant's Petition for Hearing by the Supreme Court of California after decision by the District Court of Appeal, 2nd Civil No. 12645, and in Appellant's Reply Brief After Oral Argument, L. A. No. 18258. Please see.

The question before the court is: Are the personal rights of a person in the United States still to be respected and the dignity of all men observed until they prove unworthy of that respect and right, or are they to be arbitrarily forced to do anything authorities momentarily desire them to do, in Hitler-like fashion? "A man's home is his castle," where he provides for himself and his own without hindrance so long as he obeys the laws. According to custom, and specifically stated in the law, Appellant is responsible to support her parents. After the law has taken the trouble to especially specify the responsibility of a person to support, the Court cannot change it to responsibility to give financial aid as was done, since it requires the interpolation of words which the legislature has not used. Appellant's interpretation (see in full in her Petition for Hearing, 2nd Civil No. 12645 and Reply L. A. No. 18258 to the Supreme Court of California). is the only interpretation where there is no ambiguity considered from every angle, and is fully stated in those briefs. No rule of construction allows a Court

to write into such a clear provision of the law an exception which would change its operation.

The Court fails to realize that it was entirely pertinent for Appellant to show that the county secretly extended aid to her parents from 1934 *to the spring of* 1937, and prior to any demand upon her to support them. This is far from being immaterial even though they sued from October, 1937. For it showed very clearly and emphatically that there were some "goings on" here, showing quite unusual and out of the ordinary interest given to have these old people get old age benefits, particularly impressive when we recall the evidence that the father had torn up their application and nearly thrown out their Mrs. Youngman from the Department of Charities, and also that after they *did* contact Appellant after they had been paying for a few years, they asked Appellant to sign that she could *not* support her parents. When she refused, they "secretly" again paid not one parent only, as before, but *both* parents, instructing Appellant in writing to wait for her father to notify her or the Charity Department to notify her of her parents' willingness to come and when Appellant inquired about whether her brother-in-law had begun again to support them in exchange for the care of his sick wife, as he had done for ten years previously, she was told by the Charity Department that that was confidential information. However, they continued secretly again paying this money until they had accumulated a bill of nearly a thousand dollars. When they have secretly gotten this bill to a size they feel quite sure Appellant could not pay, then for the first time their *collection* department let Appellant know for the first time since they had

given her written instructions to wait for them to notify her, what had been going on *again;* namely, the paying out of this money secretly. So the collection department demanded payment, or it would cost her her job. (By the way, she *has* lost her job.) No, anything that gives light on such sharp dealings shows too decided an interest to give these old people money and in ways which shed light on the unusual features of this case, is very far from being immaterial. Also we might look forward to what awaits Appellant if she loses this trial. With inflation's rise in valuation of her home, they can steal that from her even though she has a homestead, for the value would rise over the five thousand homestead protection of the United States government, and any five thousand she would get by that time with inflation prices could perhaps buy her a home in the slums to take the place of the home of her choice, and her life's accumulation of a home, earned by her former work of a life-time, would be lost to her—a nice end to an honorable, hard-working teacher—and an opportunity for dishonorable business to be profitable to slick sharks.

It is respectfully submitted that the judgement of the California Supreme Court affirming the judgement of the Superior and Appellate Courts should be reversed in favor of Appellant and Petitioner, and that your petitioner have such other and further relief as to this Honorable Court may seem meet.

Respectfully submitted,

GRETTA LAFUENTE, *in propia persona*
Appellant and Petitioner

Dated, Los Angeles, California,
November 28, 1942